



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Abdel A. MOHAMED  
Louis E. BURTON, et al. ) Art Unit: 1653  
Application Serial No. 10/782,261 ) Confirmation No. 5841  
Filed: February 18, 2004 ) Attorney's Docket No. 39766-0037 C3C1  
For: PURIFICATION OF NGF ) Customer No. 25213

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Date Mailed: SEPTEMBER 15, 2004

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)

**MAIL STOP AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

09/17/2004 HTECKLU1 00000065 081641 10782261  
01 FC:1814 110.00 DA

Dear Sir:

1. The owner, Genentech, Inc., having a principal place of business at 1 DNA Way, South San Francisco, California 94080, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, and is also the owner of the entire right, title and interest in the inventions disclosed in U.S. Patent No. 6,423,831, U.S. Patent No. 6,184,360, U.S. Patent No. 6,005,081 and U.S. Patent Application No. 10/072,681. Ownership in these inventions is evidenced by the assignment recorded on April 20, 1998 at reel 009148 and frame 0775 assigning the inventors' rights in the inventions to Genentech, Inc.

Genentech, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,423,831, U.S. Patent No. 6,184,360, U.S. Patent No. 6,005,081 and any patent granted on claims 1-20 of U.S. Patent Application No. 10/072,681. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This

agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,423,831, U.S. Patent No. 6,184,360, U.S. Patent No. 6,005,081, or the full patent term of a patent granted on claims 1-20 of U.S. Patent Application No. 10/072,681, in the event that any of these patents are later found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. §1.321; have all claims canceled by a re-examination certificate; are reissued; or are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is hereby authorized to charge the Terminal Disclaimer fee in the amount of \$110.00, and any other fees due, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney's Docket No. 39766-0037 C3C1).

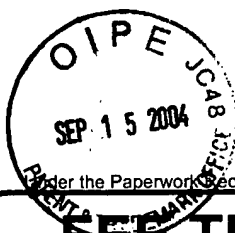
Respectfully submitted,

Date: September 15, 2004

By:   
James A. Fox (Reg. No. 38,455)

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PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 272.00)

**Complete if Known**

Application Number	10/782,261
Filing Date	FEBRUARY 18, 2004
First Named Inventor	LOUIS E. BURTON
Examiner Name	MOHAMED, ABDEL A.
Art Unit	1653
Attorney Docket No.	39766-0037 C3C1

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

08-1641 (39766-0037 C3C1)

HELLER EHRMAN WHITE &amp; McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
29	-20** = 9	18.00	162.00
Independent Claims	1	-3** = 0	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 162.00)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) **TERMINAL DISCLAIMER**

110.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	JAMES A. FOX	Registration No. (Attorney/Agent)	38,455	Telephone	(650) 324-7000
Signature		Date	SEPTEMBER 15, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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